

FILE NO.: Z-3922-A

NAME: Mapco Express Short-form PD-C

LOCATION: Located on the Northwest corner of 3rd and Broadway Streets

DEVELOPER:

Mapco Express
7102 Commerce Way
Brentwood, TN 37027

ENGINEER:

White Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 1.0 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: UU, Urban Use District

ALLOWED USES: Various uses – All uses must be indoors

PROPOSED ZONING: PD-C

PROPOSED USE: Convenience store with gas pumps

VARIANCES/WAIVERS REQUESTED:

1. A variance from Section 31-43 and 31-210 to allow drives located nearer the property lines than typically allowed.
2. A variance from 32-8 to allow the obstruction to visibility at the intersection of 3rd Street and Arch Street and 3rd Street with Broadway Street.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property is located at the northwest corner of 3rd and Broadway Streets. The project will encompass the southern half of Block 119 Original City of Little Rock and extend west to S. Arch Street. NTI Investments, LLC lead by Steve Vanden Noven of Brentwood, TN is the developer. NTI is developing Mapco Express stores in the southeast part of the country. The 4,780 square foot convenience

store and outdoor patio. The plan includes the placement of a gas pump canopy on the site. There will be seven fueling stations with underground storage tanks.

Currently, there is a branch bank, two story structure and parking lot on the property. The existing improvements will be removed to allow the new construction.

The existing driveway on Broadway is shared with the development to the north and will remain in place and continue to be shared. The existing driveway on South Arch Street will remain as access to the site. The dumpster will be screened as required by ordinance.

Currently there are five (5) driveways along 3rd Street. The developer is proposing to eliminate the five (5) existing driveways and construct two (2) new driveways which will provide adequate access to the proposed convenience store. This will require a variance which the developer is requesting.

B. EXISTING CONDITIONS:

The property is located on the northwest corner of 3rd and Broadway Streets. Located on the property are a closed branch bank, a auto body paint shop and an underground parking garage. South of the site is an auto repair shop and a surface parking lot. North of the site is a commercial building containing Enterprise Rental Car and an auto detail shop. Across Broadway is the County Courthouse and a surface parking lot. Within this general area there are a number of Federal, State, County and City offices. Also there are a number of multi-story office buildings, surface parking lots and parking structures.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All property owners located within 200-feet of the site along with the Downtown Neighborhood Association and the Downtown Partnership were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. 3rd Street is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way 35 feet from centerline will be required.
2. A 20 foot radial dedication of right-of-way is required at the intersection of Broadway and 3rd Streets.

3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy. Remove existing curb cuts that will no longer be used.
4. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed 36 feet. The driveway spacing on Broadway and 3rd Streets is required to be 300 feet from other driveways and streets and 150 feet from side property lines. Visibility at the north Broadway driveway is obstructed due to the existing building constructed to the property line. A variance must be requested for the proposed driveway locations.
5. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
6. The proposed driveway on Arch Street will effect on street metered parking. Show impact parking spaces and meters.
7. Erosion controls must be installed to reduce discharge of polluted stormwater.
8. In accordance with Section 32-8, no obstruction to visibility shall be located within a triangular area 50 feet back from the intersecting right-of-way line (or intersecting tangent lines for radial dedications) at the intersection of 3rd Street with Arch Street and 3rd Street with Broadway Street.
9. A 20 foot radial dedication of right-of-way is required at the intersection of 3rd Street and Arch Street.
10. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
11. Since the property to the north takes access across the subject property, an access easement should be provided.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.

2. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
3. Contact Central Arkansas Water if additional fire protection or metered water service is required.
4. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
5. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.
6. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.

Fire Department: Place fire hydrant(s) per code. Maintain access. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Site is accessible to a number of bus routes. Only ½ mile from downtown travel center.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review approval prior to issuance of a building permit. State of Arkansas approvals will be required for a Fueling Facility. For information on submittal requirements and the review process, contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.org or Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Downtown Planning District. The Land Use Plan shows Mixed Use Urban (MXU) for this property. This category provides for a mix of residential, office and commercial uses not only in the same block but also within the same structure. This category is intended for older "urban" areas to allow dissimilar uses to exist, which support each other to create a vital area. Development should reinforce the urban fabric creating a 24-hour activity area. Using the Planned Zoning District or the Urban Use District, high and moderate density developments that result in a vital (dense) pedestrian oriented area are appropriate. The applicant has applied for a rezoning from UU (Urban Use District) to PDC (Planned District Commercial) to allow for the development of a convenience store with gas pumps on this site.

Master Street Plan: Broadway is a Principal Arterial and 3rd Street is a Minor Arterial on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on both Broadway and 3rd Street since they are both Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: Class II Bike Lanes are shown along West 3rd Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum seven and one half (7 ½) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
3. The property is located in the UU, Urban Use District. Street trees a minimum of three-inch caliper shall be required. The trees shall be located a minimum of two (2) feet off the back of a curb and shall be thirty (30) feet on center and no closer than thirty (30) feet to a street intersection with a water source provided. The tree canopy shall be maintained at least eight (8) feet above the sidewalk. This is in addition to any landscape requirements associated with development of any vehicular use area (Chapter 15).

4. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet. The property is located in the City's Designated Mature area. A twenty-five percent (25%) reduction of the buffer requirements is acceptable. A 13.5 foot buffer will be required on Broadway and Arch Streets. A 6.75 foot buffer is required on 3rd Street. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the City's Landscape Ordinance requirements.
5. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
6. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property. This strip shall be at least nine (9) feet wide. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip.
7. A landscape irrigation system shall be required for developments of one (1) acre or larger.
8. All ground-mounted mechanical systems and trash receptacles and pickup shall be oriented away from a primary street side of the property and screened from the public right-of-way. Ground-mounted mechanical systems and trash receptacles shall be placed adjacent to alleys if alleys are available.

G. SUBDIVISION COMMITTEE COMMENT: (April 23, 2014)

Mr. Joe White of White Daters and Associates was present representing the request. Staff stated the property was located within the UU, Urban Use Zoning District which required all uses to be located inside the building. Staff stated based on the drive-through aspect of the development the rezoning to PD-C was required to allow the development of a convenience store as proposed. Staff stated there were a number of variations from the typical standards of the UU zoning district. Staff noted a few of the variations including the placement of the canopy along the primary street; Broadway and 3rd Streets.

Public Works comments were addressed. Staff stated there were sight distance concerns with the existing and proposed driveways. Staff also stated a radial dedication was required at the intersection of Broadway and 3rd Streets and Arch and 3rd Streets. Staff also stated the driveway location on 3rd Street would impact existing metered street parking. Staff requested Mr. White provide on the site plan the impacted parking spaces and meters.

Landscaping comments were addressed. Staff stated street buffers were required along all abutting streets. Staff stated since the site was located within the "Designated Mature Area" of the City the landscape strip could be reduced to

6-feet 9-inches. Staff stated screening of the vehicular use area was required adjacent to the street right of ways. Staff also stated street trees would be required as typically required within the UU, Urban Use Zoning District.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the comments and concerns raised at the April 23, 2014, Subdivision Committee meeting. The plan has been revised to relocate the building to Broadway Street and the fuel canopy has been moved to the Arch Street side of the development. The maximum building height proposed is 35-feet.

The property contains 1.03 acres and is proposed with a 4,780 square foot convenience store and 28 parking spaces. The plan includes a single drive on Broadway and on Arch Street. Two drives are proposed on West 3rd Street. The driveways require a variance to allow each to be located nearer the property line than typically allowed per the Master Street plan and the Subdivision Ordinance. The two drives on West 3rd Street require a variance to allow the drive to not comply with the minimum driveway spacing criteria between the drives.

The site is located within the downtown area of the City and is currently zoned UU, Urban Use District. The District was established in order to provide for an urban form allowing mid-rise and high rise structures. This District is to provide for the office, civic and business core of the City. Structures within the Urban Use District are encouraged to provide multiple uses within the same structure. The ground or street level of structures should include street oriented activity and pedestrian amenities. The resulting area is to be pedestrian 'urban' oriented. The Zoning District has specific development criteria related to new development. The following summarizes the development criteria:

- a. Any lighting shall be placed so as to reflect away from adjacent residential structures. Fixtures adjacent to roadways shall be of a design that minimizes glare to the motoring public. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance, which substantially exceeds that general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundary of the site. ***The applicant has indicated the development will comply with this development criteria.***
- b. All ground-mounted mechanical systems and trash receptacles and pickup shall be oriented away from a primary street side of the property and screened from the public right-of-way. Ground-mounted mechanical systems and trash receptacles shall be placed adjacent to alleys if alleys

- are available. ***The trash receptacle is indicated along the northern boundary of the property. Dumpster service is indicated from South Arch Street.***
- c. No new drive-in or drive-through facilities may be visible or take directed access from a primary street. ***The fuel canopy is located along West 3rd and Arch Streets. West 3rd Street is a primary street.***
 - d. Facade materials may be any standard material, except corrugated or ribbed materials. ***The applicant has indicated the development will comply with this development criteria.***
 - e. Buildings must be oriented to the street. The primary entrance of the building shall be at street level on the street at the sidewalk. Entrances shall be designed so that the door will not swing beyond the property line. The ground-level (street fronting) floor of nonresidential structures shall have a minimum surface area of sixty (60) percent transparent or window display. ***The building is located at the rear of the property facing West 3rd Street. An outdoor patio area is proposed in front of the building. There is a driveway from Broadway Street at the northern edge of the property to provide access to the adjacent building which currently contains a number of uses including Enterprise Rental Car.***
 - f. ***Signs.*** Off-premises signs are not allowed. Ground-mounted signs are discouraged and may only be permitted as a variance as per Division 2 of this chapter. Otherwise, permitted signs shall be as in Section 36-553, signs permitted in institutional and office zones, of this chapter. On the street level, the maximum area of signage may be doubled if at least fifty (50) percent of the street-level office and retail space has direct access to the street. ***The applicant has indicated the development will comply with this development criteria.***
 - g. ***Front yard.*** No setback is required except as noted below. (In no case may a structure be built in the right-of-way.) Along Capitol Avenue, west of Broadway Street and east of Scott Street, the front building line shall be twenty-five (25) feet. Along Chester Street from I-630 to La Harpe Boulevard, the front building line shall be ten (10) feet. In no case is the storage or parking of vehicles allowed in the front setback. ***Parking is indicated along West 3rd Street within the front yard setback.***

The hours of operation are 24-hour seven (7) days per week. Garbage collection will be from 7 am to 6 pm daily. A note on the site plan indicates the dumpster will be screened per typical ordinance standard or a minimum of two (2) feet above the trash container on three sides with a gated screening fence along the front of the trash container.

The plan provided indicates the landscape strips to be reduced to the allowable width within the Designated Mature Area. The applicant has indicated trees and shrubs will be added to comply with the typical ordinance standard.

Staff is not supportive of the request. The UU, Urban Use Zoning District was created to allow for developments within the Urban Use District to provide multiple uses within the same structure and encourage the ground or street level of the structure to include street oriented activity and pedestrian amenities. Staff feels this development is not in keeping with the intent of the UU, Urban Use Zoning District. The building has been pushed back from the primary streets and there are paved areas and driveways between the proposed building and patio area. In addition the fuel canopy is located along West 3rd Street which is considered a primary street. Parking is located within the front setback and driveways are located inconsistent with the typical ordinance standard. In addition staff has concerns with stacking on the site and access to the site for service vehicles including the fuel truck and garbage collection vehicle. Staff does not feel there is adequate circulation on the site to not disrupt traffic flows on the abutting streets.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(MAY 15, 2014)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of denial.

Mr. Steve Vanden Noven addressed the Commission on the merits of the request. He stated Mapco was proposing to add 20 new stores per year. He stated this area of the City was underserved with convenience stores and fuel. He stated on the site there were two (2) billboards which would be removed with the redevelopment. He stated the existing building would block the view from the Courthouse. He stated the fueling centers were considered by the City as outdoor commerce. He stated precedence had been set to allow outdoor activities within the urban core. He stated the development would be well lite. He stated the patio would offer outdoor seating. He stated 40 percent of the store was a restaurant with the remaining merchandise, food and convenience items. He stated convenience stores did not create new traffic. He stated they harnessed existing traffic.

Mr. Dickson Flake addressed the Commission in support of the request. He stated within the urban core two fast food restaurants and a bank had been approved which included a drive-through. He stated the site plan and drive on Broadway had been designed to meet the legal obligation to Enterprise Rental Car. He stated Broadway was a State Highway. He stated there were 33,000 persons in the downtown area during the day. He stated the outdoor seating was placed as close to Broadway and still meet the obligation to Enterprise. He stated the parking was paced behind the building and the fuel canopy located along Arch Street to minimize the impact on Broadway.

Mr. Dick Downing addressed the Commission in opposition of the request. He stated zoning was established to promote the health and safety of citizens. He provided the Commission with a report from Metroplan which indicated Broadway had the highest crash rate of pedestrian and cars. He stated the top intersection was Broadway and 6th. He stated the exit on Broadway was located in a manner which created a blind exit. He provided the Commission with photos of traffic at this intersection. He also provided the Commission with a video of traffic from 4 pm to 6 pm on Friday afternoon. He noted there was a no left turn at the intersection of 3rd and Broadway during this time period but in the video a number of cars made the illegal turn. He stated there was a large public investment in the area. He stated the development was not in character with the UU zoning district.

Mr. Tom Ackerman addressed the Commission in opposition of the request. He stated he was the Chief Deputy Assessor. He stated his concern was for the 80 – 85 employees who parked across 2nd and 3rd from the proposed development. He stated the type of clientele which frequented this type business could potentially cause safety concerns of these employees walking to the County Administration Building. He noted the convenience store located at 8th and Broadway and stated there were persons hanging around behind the building. He stated the store would have a deli but would also sell beer.

Ms. Susan Smith addressed the Commission on behalf of the Downtown Partnership. She stated the Partnership along with the subgroups of the Partnership had voted to not support the proposed development. She stated the Partnership did not feel the development was in keeping with the zoning district. She stated vehicular movement and pedestrian safety were concerns. She stated the store would operate 24-hours per day 7-days per week. She stated the emphasis of downtown was walkability, friendly and safe environment. She stated she did not feel this development would create this environment.

Mr. Noven stated the business needed traffic to exist. He stated a minimum of 25,000 vehicles per day were required to make an intersection viable for a convenience store. He stated all intersections in downtown were busy from 4 pm to 6 pm. He stated the driveway location on Broadway had been moved to the south to allow for some visibility. He stated the drive was located in an existing easement and was to be maintained. He stated the business did not sell single serve alcohol beverages. He stated the beer sales were for off-site consumption.

City Dawson, Deputy City Attorney addressed the Commission stating according to the Commission By-laws no action by the Commission set precedence.

The Commission questioned Mr. Noven as to the need for a 24-hour operation. He stated he had checked with operations and it had been determined the site was more secure with a 24-hour business than when the business was not open. He stated in the late hours was when the clerks restocked the store. He stated the business welcomed workers, police and fire personnel to visit the store during the late hours to lessen the potential negative impact of a 24-hour business.

The Commission questioned Mr. Flake if a bank had been contacted about locating at this site. Mr. Flake stated all banks had been contacted and none were interested in the site. He stated the desired use of the property would be to reuse the existing building and not go to the expense of demolition. He stated the building had sat vacant for a number of years with no interest in redevelopment.

There was a general discussion by the Commission concerning the building, long term vacancy, the UU zoning district allowances. Commissioner Bubbus stated he felt the development would foster completion. He stated there was also a problem with long-term vacancy rates. The Commission noted they did not feel the development was out of character for the area. The Commission also noted the downtown area had limited services available to the residents.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 7 ayes, 2 noes and 2 absent.